

**NOTICE OF RULE ADOPTION—FINAL RULE**  
**STATE OF MISSISSIPPI**  
**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**  
**OFFICE OF MARINE FISHERIES**



Mississippi Department of Marine Resources  
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**Specific Legal Authority Authorizing the promulgation of Rule: 49-15-15 (1) (b)**

**Reference to Rules repealed, amended or suspended by the Proposed Rule:** No rules have been repealed or suspended. Proposed change by the addition to Title 22 Part 17; Chapter 11, Section 106 The Executive Director may establish additional labeling and tagging requirements as may be required or necessary. Chapter 13, Section 115, The Executive Director may establish other time and temperature controls on the shipping and transportation of shellstock as may be required or necessary. Chapter 14, Section 108, The Executive Director may establish other time and temperature controls on receiving and storing shellstock as may be required or necessary.

**Date Rule Proposed:** August 18, 2009

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 17 REGULATION OF SHELLFISH LANDING, UNLOADING, TRANSPORTING, PROCESSING, BUYING, SELLING, OPENING, AND OTHER SHELLFISH RELATED ACTIVITIES IN THE STATE OF MISSISSIPPI. The proposed changes are to Title 22 Part 17; Chapter 11, Section 106 The Executive Director may establish additional labeling and tagging requirements as may be required or necessary. Chapter 13, Section 115, The Executive Director may establish other time and temperature controls on the shipping and transportation of shellstock as may be required or necessary. Chapter 14, Section 108, The Executive Director may establish other time and temperature controls on receiving and storing shellstock as may be required or necessary. These changes would give the Executive Director the flexibility to seasonally adjust these respective parameters or requirements in order to achieve current and future ISSC requirements of illness reduction plans or management plans for *Vibrio parahaemolyticus* or *Vibrio vulnificus* to better protect the public health, or health of “at-risk” consumers, and to allow for greater options to the industry in meeting these requirements.

**The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

☐ An oral proceeding was held on this rule:

Date:  
Time:  
Place:

☒ An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and

The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Effective Date of Rule:** September 28, 2009

Michael Hill, Staff Officer  
**Signature and Title of Person Submitting Rule for Filing**